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From: Wil [mailto:wil@galaxynet.com]

Sent: Wednesday, July 21, 2004 3:32 PM

To: Struhsaker Georgia

Subject: Le Conte grounding

Importance: High

Greetings Georgia,

Wil Petrich here. I've been trying to contact you for sometime now regarding the grounding of 10 May 2004. The further I dig into this, the more that I am convinced that fatigue, imposed by the watch schedule, working conditions, operational schedule, to name just a few, was the major contributing factor to this incident.

Utilizing the USCG's own formulae which is supposedly used in the investigatory process not to mention those standards applied by or available through various bodies; IE: NSF (National sleep foundation), IMO, STCW, NTIS (National Technical Information Service), STCW REgs. SMS1.) was not considered 2.) not appropriately applied. This could be seen as a major non-conformity on AMHS part, especially since AMHS has done nothing to mitigate these issues, and in fact has denied any relevance of fatigue as a causative factor in this incident.

The simple version of the USCG formulae which although optional should have been used in regards to investigating this incident (and I suspect has not, nor will it be) is: $WH(6.1) - SH(4.5) + (S \times 21.4) = FIS$; Where: WH = hours worked in the last 24; SH = hours slept in the previous 24 and S = sum of symptoms valued @ 21.4 points each; where FIS is the (Fatigue Index Score). Excluding the subjective symptoms, of which there were some, and going through the formulae for the previous 72 hours. My FIS exceeded by a large margin the threshold of 50 allowed by USCG. I won't bore you with my computations, and again I am no expert; but it is obvious that I and the master were fatigued, and seriously so.

Since the conditions imposed on us as a result of ship schedule, watch schedule and work load are the norm with AMHS vessels and not the exception. this represents a serious safety condition. One that is so much so, that by any standard used would tender AMHS vessels as Unseaworthy according to maritime law and precedent.. This is made more problematic since AMHS has been informed by most of the masters and some Chief Mates that these unsafe working conditions exist and have done nothing to remedy the situation. This makes them morally and legally culpable. While a defense of inapplicability may exist, (IE minimal conformity with STCW regs,) inapplicability does not discharge the burden or duty to an owner to inquire and mitigate as necessary. . In simple terms, just because the rule sets a minimum standard, if that standard does not address an imminent hazard or condition of unseaworthiness it doesn't prevent, but indeed allows the owner to set a higher standard. Additionally, centuries of

maritime precedent and tradition compel the owner to rectify an unseaworthy condition. Especially when it has been brought to their attention again and again.

It is my fervent hope that we might meet or correspond to bring this issue to the light of day and start down the road towards solutions.

Best regards,

Wil Petrich